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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,943	01/31/2001	Ronald Jacoby	17887-004600US	9158

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EXAMINER
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CARLSON, JEFFREY D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/773,943

Applicant(s)

JACOBY ET AL.

Examiner

Jeffrey D. Carlson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### DETAILED ACTION

This action is responsive to the paper(s) filed 6/28/04.

#### *Specification*

5           The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. Even though applicant has deleted the "http:" prefixes, the remaining code is likely to be rendered as links by a web browser loading the specification from the USPTO website. The USPTO will not allow  
10   links to external sites. See MPEP § 608.01. Applicant could specify the arguments without a domain name or could make new figures from the content of the links. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

15           The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

20           (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al (US5740549) in view of Leighton et al (US6665726).**

25           Regarding claims 1, 6, Reilly et al teaches sending news content as well as targeted ads to a client computer. The client displays a window having a content area

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and ad area [fig 10]. An ad server uses the profile of the client user to determine the types of news content and ad content to deliver to the client display. The client stores the content in a local queue which is taken to act as a playlist [6:46-57]. Reilly et al does not specify the type of viewing program (data viewer), but rather its functionality.

- 5 The data viewer [fig 10, 13:28-67] has different areas – one for news content and one for related ads. Reilly et al does not state whether the ad viewer is built with HTML as a webpage, but it would have been obvious to one of ordinary skill at the time of the invention to have used any well known programming techniques to provide such an interactive content and ad viewer. It would have been obvious to one of ordinary skill at
- 10 the time of the invention to have provided such a client applet using HTML frames and scripts to provide the content window and ad media player as a matter of design choice. Rendering the HTML-based data viewer inherently provides at least temporarily storing and using the parameters of the frame set. Reilly et al teaches that the ads and news content are stored in a local queue and they are played simultaneously or sequentially
- 15 through the use of display scripts [11:30-63]. This is taken to provide a playlist. Reilly et al teaches the display of news and ads for a sequence of information categories in a sequence of time slots. News stories and ads are each associated with a category and are (simultaneously or sequentially) shown during that category's time slot. Then subsequent a subsequent category's time slot is rendered using its (simultaneous or
- 20 sequential) news and ad content. This provides an indication for when the ads should be played in relation to the non-ad content (before, during or after). Reilly et al also teaches that in some cases, full content may not be stored locally [13:48-60] and it

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would have been obvious to one of ordinary skill at the time of the invention to have merely stored a playlist of links to content and ads on the ad server so that the content need not be stored locally and can be played from the ad server via the ad player upon request. In this manner, the client need not store content which the user may not

5 require viewing. Reilly et al does not however teach streaming of such remote content.

Leighton et al teaches the concept of streaming Internet content whereby the user's browser is capable of rendering the beginning of the content as the content is still being downloaded [3:22-37]. It would have been obvious to one of ordinary skill at the time of the invention to have enabled such streaming of the ads and news content of Reilly et al  
10 in a streaming manner so that users do not have to wait for the entire files to be downloaded before they can be viewed, thus eliminating waiting time.

Regarding claim 2, 3, Reilly et al teaches that the ads are related to the content being other being viewed [13:61-65].

Regarding claim 4, Reilly et al teaches that statistics are kept regarding which  
15 ads have been displayed [9:18-30].

Regarding claim 5, Reilly et al teaches that the displayed ads may include embedded URL/links to the advertiser's webpage where more information can be seen about a particular product.

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### ***Response to Arguments***

Applicant argues that Reilly et al stores the content locally and does not teach streaming content from a remote source. Reilly et al however teaches the idea of

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remote storage as well as indication of when to render sequential categories each having their own (simultaneous or sequential) ad and news content. Leighton et al is used to teach streaming of a remote file in order to render the content more quickly rather than waiting for the entire download to conclude.

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### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 703-308-

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3402. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey D. Carlson  
Primary Examiner  
Art Unit 3622

15 jdc